



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,372	05/25/1999	MATTI TURUNEN	460-008652-U	1338

7590 10/24/2002

CLARENCE A GREEN
PERMAN & GREEN LLP
425 POST ROAD
FAIRFIELD, CT 06430

EXAMINER

LEE, JOHN J.

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AG

Office Action Summary

Application No.

09/318,372

Applicant(s)

TURUNEN, MATTI

Examiner

JOHN J LEE

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1 - 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1, 3, 4, and 6-13** are rejected under 35 U.S.C. 102(e) as being anticipated by Nordman (US Patent number 6,061,346).

Regarding **claim 1**, Nordman discloses that a method for transmitting messages to a wireless terminal in a data transmission system which includes at least one mobile communication network and at least one multimedia message server, the method comprising:

specifying for each wireless terminal (12 in Fig. 1) coupled to the mobile communication network (Fig. 1), an address identifying said wireless terminal (abstract, column 3, lines 66 – column 4, lines 53, and Fig. 1, 2);

activating at least one data transmission connection for the wireless terminal (column 7, lines 16 – column 9, lines 31, Fig. 1, 4, and column 3, lines 66 – column 4, lines 53);

informing the at least one multimedia message server (164 in Fig. 4) of the activation of the data transmission connection (166 in Fig. 4) for said wireless terminal (12 in Fig. 1) (Fig. 1, 4 and column 10, lines 22 – column 11, lines 41); and

upon informing the at least one multimedia message server of the activation of the data transmission connection (166 in Fig. 4), transmitting the multimedia messages to the wireless terminal using the activated data transmission connection (Fig. 1, 4, abstract, and column 9, lines 1 – column 11, lines 41).

Regarding **claim 3**, Nordman discloses all the limitation, as discussed in claim 1. Furthermore, Nordman further discloses that packets are formed of the messages, to be transmitted to the wireless terminal (Fig. 1, 4, abstract, and column 9, lines 1 – column 11, lines 41).

Regarding **claim 4**, Nordman discloses all the limitation, as discussed in claim 1. Furthermore, Nordman further discloses that a data transfer protocol in a packet form (column 9, lines 1 – column 11, lines 41), intended for e-mail transmission, such as SMTP, is used, wherein messages are formed into packets according to said data transfer

Art Unit: 2682

protocol (Fig. 1, 4, column 3, lines 66 – column 4, lines 53, and column 9, lines 1 – column 11, lines 41).

Regarding **claim 6**, Nordman discloses all the limitation, as discussed in claim 1. Furthermore, Nordman further discloses that messages are formed into packets according to an Internet protocol, which are framed at the transmission stage into packets according to a data transfer protocol intended for transmitting e-mail messages, and which packets are formed into packets according to the Internet protocol in said terminal (Fig. 1, 4, column 3, lines 66 – column 4, lines 53, and column 9, lines 1 – column 11, lines 41).

Regarding **claim 7**, Nordman discloses all the limitation, as discussed in claim 1. Furthermore, Nordman further discloses that information on deactivation of the data transmission connection activated for said wireless terminal is transmitted to the message server (Fig. 1, 4, column 3, lines 66 – column 4, lines 53, and column 9, lines 1 – column 11, lines 41).

Regarding **claim 8**, Nordman discloses all the limitation, as discussed in claim 1.

Regarding **claim 9**, Nordman discloses all the limitation, as discussed in claim 1. Furthermore, Nordman further discloses that transmitting packets addressed to said wireless terminal to the message server, and means for forwarding packets further by using said data transmission connection activated for the wireless terminal (Fig. 1, 4, column 3, lines 66 – column 4, lines 53, and column 9, lines 1 – column 11, lines 41).

Regarding **claim 10**, Nordman discloses all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Nordman discloses that the system comprises at least one packet radio network, such as GPRS network (Fig. 1, 4 and column 9, lines 1 – column 11, lines 41).

Regarding **claim 12**, Nordman discloses all the limitation, as discussed in claims 1 and 2. Furthermore, Nordman further discloses that means for examining the activation data (Fig. 4 and column 10, lines 22 – column 11, lines 41).

Regarding **claim 13**, Nordman discloses all the limitation, as discussed in claim 1. Furthermore, Nordman further discloses that the terminal comprises means for transmitting a data transmission connection activation request to the mobile communication network (Fig. 1, 4 and column 9, lines 1 – column 11, lines 41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman in view of Taguchi et al. (US Patent number 6,163,532).

Regarding **claim 5**, Nordman discloses all the limitation, as discussed in claim 1. However, Nordman does not specifically disclose the limitation “possible to select which types of messages are transmitted in the activated data transmission connection”.

However, Taguchi discloses the limitation “possible to select which types of messages are transmitted in the activated data transmission connection” (column 13, lines 24 – column 15, lines 38 and Fig. 7). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify Nordman system as taught by Taguchi. Doing so would enhance the data service adaptability in wireless data communication system.

Allowable Subject Matter

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the cited prior art of record fail to disclose “if there is no activated data transmission connection for said wireless terminal, the next phase is to store the multimedia messages in the multimedia message server and wait until a data transmission connection is activated for said wireless terminal, to use it to transmit messages to said wireless terminal” as specified in claim 2.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2682

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu (US Patent number 6,396,828) discloses Arrangement System and Method Relating to Data Network Access.

Gibbs et al. (US Patent number 6,278,706) discloses Wireless Packet Data Communication Apparatus and Method.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

Art Unit: 2682


(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian
Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to
the status of this application should be directed to the Group receptionist whose telephone
number is (703) 305-4700.

J.L
October 18, 2002

John J Lee


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600